

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SABAS IBARRA,)
Petitioner,)
v.) 1:11CV530
ASST. SUP. R.R. RIVENBARK,)
Respondent.)

ORDER

On July 19, 2013, the Magistrate Judge issued a Recommendation recommending that Petitioner's Petition for Rehearing and Petition for Rehearing En Banc (Doc. # 47) be treated as a motion to alter or to amend a judgment under Federal Rule of Civil Procedure 59(e) and be denied. (Doc. # 48). The Magistrate Judge's Recommendation was served on Petitioner on that same date. Also on the same date, Petitioner filed a Motion for Leave to Amend to Supplement Petition for Rehearing and/or Petition for Rehearing En Banc. (Doc. # 50). Next, Petitioner filed Objections to the Magistrate Judge's Recommendation within the time limits prescribed by 28 U.S.C. § 636. (Doc. # 51). Petitioner then filed a Motion to Expedite Judgment (Doc. # 54), which the Magistrate Judge denied via Text Order (Text Order dated Jan. 27, 2014). Finally, Petitioner filed Objections to the Magistrate Judge's Text Order. (Doc. # 56).

The Court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection is made and has made a de novo determination in accord with the Magistrate Judge's report. The Court has further reviewed Petitioner's Motion for Leave to Amend and determines that the information contained within does not alter its ruling. The Court therefore adopts the Magistrate Judge's Recommendation and denies the Motion for Leave to Amend.

Finally, Petitioner's Motion to Expedite Judgment and his Objections to the Text Order denying that Motion are now moot.

IT IS THEREFORE ORDERED that Petitioner's Petition for Rehearing and Petition for Rehearing En Banc (Doc. # 47) is treated as a motion to alter or to amend a judgment under Federal Rule of Civil Procedure 59(e) and is denied.

IT IS FURTHER ORDERED that Petitioner's Motion for Leave to Amend to Supplement Petition for Rehearing and/or Petition for Rehearing En Banc (Doc. # 50) is denied.

IT IS FURTHER ORDERED that Petitioner's Motion to Expedite Judgment (Doc. # 54) is denied as moot.

This the 11th day of March, 2014.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge